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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/663,453	09/16/2003	David C. Hacker	36943XDA	2884
7590	08/08/2005			EXAMINER
Michael F. Williams Simmons, Perrine, Albright & Ellwood, P.L.C. Suite 1200 115 Third Street SE Cedar Rapids, IA 52401			AZARIAN, SEYED H	
			ART UNIT	PAPER NUMBER
			2625	
			DATE MAILED: 08/08/2005	

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/663,453	HACKER ET AL.	
	Examiner	Art Unit	
	Seyed Azarian	2625	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) Responsive to communication(s) filed on 20 May 2005.

2a) This action is FINAL. 2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) Claim(s) 1-7,9-24 and 26 is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) Claim(s) _____ is/are allowed.

6) Claim(s) 1-7,9-24 and 26 is/are rejected.

7) Claim(s) _____ is/are objected to.

8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on 16 September 2003 is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All b) Some * c) None of:

- Certified copies of the priority documents have been received.
- Certified copies of the priority documents have been received in Application No. _____.
- Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) Notice of References Cited (PTO-892)

2) Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____

4) Interview Summary (PTO-413)
Paper No(s)/Mail Date _____

5) Notice of Informal Patent Application (PTO-152)

6) Other: _____

RESPONSE TO AMENDMENT

1. Applicant's amendment filed, 5/20/2005, see page 9 through page 10 of the remarks, With respect to the rejection of claims 1-7, 9-24 and 26 have been Fully considered but they are moot in view of the new ground (s) of rejection is necessitated by applicant's amendment is made in view of Gombrich (U.S. 4,916,441).
2. Applicant argues in essence regarding claim 1 that Faulkerson fails to teach "a display located on said housing and communicatively coupled with said computerized processing system that can read data at a distance (in a non-contact manner)".

Contrary to the applicant's assertion, limitations in the "amended claim", the examiner is using the new reference supplied with this action: Gombrich (U.S. 4,916,441) discloses, (see Fig. 5 and 6, column 8, lines 3-18, graphics liquid crystal **display** touch sensitive screen 22d, (approximately 2x4 inches), and bar code reader 22c (**non-contact point source optical device**) to facilitate positive identification and ease of data entry).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1, 3, 5, 9-10, 14, 18, 20, 22 and 26, are rejected under 35 U.S.C. 103(a) as being unpatentable over Faulkerson (U.S. patent 4,804,949) in view of Gombrich (U.S. 4,916,441).

Regarding claim 1, Faulkerson discloses a data collection apparatus, comprising:
a user-supportable housing (Fig. 1-3, column 3, lines 21-25, device 20, takes the form of a housing 25, constructed for hand-held use by the system user);
an optical reader (column 3, lines 26-28, optical elements to capture images);
and a computerized processing system, located in said user-supportable housing, communicatively coupled with said optical reader (column 3, lines 21-34, optical character recognition);
wherein said optical reader is operable to read handwritten data and wherein said computerized processing system is operable to store handwritten data read by said optical reader (column 3, lines 32-36, capturing images of characters, such as text or handwritten, also column 7, lines 49-60, function key processor (user-interface), key board is connected to a keyboard of the computer station).

However Faulkerson does not explicitly state, "a display located on said housing and communicatively coupled with said computerized processing system that can read data at a distance (in a non-contact manner)". On the other hand Gombrich in same-filed hand-held monitor teaches (see Fig. 5 and 6, column 8, lines 3-18, graphics liquid crystal display touch sensitive screen 22d, (approximately 2x4 inches), and bar code reader 22c (non-contact point source optical device) to facilitate positive identification and ease of data entry).

Therefore it would have been obvious to one having ordinary skill in the art at the time of the invention was made to modify Faulkerson scanning system invention according to the

teaching of Gombrich because it provides amounts of information that required at any given time to verify the identity of person wishing to gain access, which can easily be implemented in an scanning device such as hand-held monitor.

Regarding claim 3, Faulkerson discloses the data collection apparatus of claim 1, wherein said optical reader is operable to read handwritten data such as human-generated text and wherein said computerized processing system is operable to store handwritten data such as human-generated text read by said optical reader (column 4, line 67 through column 5, line 9, frame buffer is employed to store the data frames from scanning of the camera along a line of character text).

Regarding claim 5, Faulkerson discloses the data collection apparatus of claim 1, wherein said user-supportable housing comprises a handgrip section, said handgrip section having a cross-section of a size capable of being held (Fig. 4-6, column 7, lines 19-26, Faulkerson discloses hand-held device, it is clear from Faulkerson reference one hand holds the device and other hand is needed to operate the device, thus (Fig. 4-6) a person would grip the device in the palm of one hand with thumb extended in exactly the manner as the claim).

Regarding claim 9, Faulkerson discloses the data collection apparatus of claim 1, wherein said optical reader is a digital optical reader, said digital optical reader being capable of communicating read handwritten data to said computerized processing system as digitized data (column 4, lines 1-3, the optical electronic array transforms the optical character data in the reflected light into digital data).

Regarding claim 10, Faulkerson discloses a method of reading handwritten information with a data collection apparatus, (column 3, lines 62 through column 4, lines 8, text printed on

paper generated by the light source is projected onto the medium surface. The optoelectronic array transforms the optical character data in the reflected light into digital data);

comprising the steps of: aiming an optical reader at handwritten information (column 3, lines 62-64, with stroboscopic light source in operation, as device 20 is moved by hand along a line of text printed);

the optical reader communicatively coupled with a computerized processing system of a user-supportable data collection apparatus (column 4, lines 13-15, video processor which receives the digital data);

imaging the handwritten information at which the optical reader is aimed without contacting the optical information being imaged; digitizing the imaged handwritten information (see claim 1, also column 4, lines 1-3, optical character data in the reflected light into digital data);

storing the digitized handwritten information in the user-supportable data collection apparatus by the computerized processing system (Fig. 2, column 4, lines 52-64, a frame buffer memory 28, also column 4, line 64 through column 5, line 1 cooperation of the array and frame buffer permits the video processor to perform a correlation process. The frame buffer is employed to store the three most current frames of image data).

Regarding claim 14, Faulkerson discloses the method of claim 10, wherein said aiming step comprises aiming an optical reader at handwritten information including human-written text (column 3, lines 60-64, with stroboscopic light source in operation, as device 20 is moved by hand along a line of text printed).

Regarding claim 22, it recites similar limitation as claim 5 is similarly analyzed.

Regarding claims 18 and 20, it recites similar limitation as claims 1 and 10 are similarly analyzed.

Regarding claim 26, it recites similar limitation as claim 9 is similarly analyzed.

4. Claims 2, 4, 6-7, 11-13, 15-17, 19, 21 and 23-24, are rejected under 35 U.S.C. 103(a) as being unpatentable over Faulkerson (U.S. patent 4,804,949) in view of Gombrich (U.S. 4,916,441) as applied to claims above and further in view of Dunkley et al (U.S. patent 4,752,965).

Regarding claims 2 and 4, Faulkerson and Gombrich fail to disclose handwritten data, "such as a human signature or human-generated graphics". On the other hand Dunkley in same filed hand-held monitor teaches scanning the signature, determines the relevant static characteristic data. This may be any conventional data such as the length of signature and /or number of vertical reversals (or graphic) (column 6, lines 9-21).

Therefore it would have been obvious to one having ordinary skill in the art at the time of the invention was made to modify Faulkerson and Gombrich scanning system invention according to the teaching of Dunkley because it provides sign verification particularly for use with credit cards or the like where it is necessary to verify the identity of person wishing to gain access, which can easily be implemented in an scanning device such as hand-held monitor.

Regarding claims 6 and 7, Faulkerson fails to disclose "receiving component can be removed from user-supportable housing by a user. On the other hand Dunkley in same filed hand-held monitor teaches: the cashier then withdraws (remove) the writing pad unit 1 and offers it to the customer who signs the docket (column 5, line 61-68).

Therefore it would have been obvious to one having ordinary skill in the art at the time of the invention was made to modify Faulkerson scanning system invention according to the teaching of Dunkley because it provides important advantages that the writing pad unit may be simple and compact in construction enabling it to be offered to the customer in any convenient position, which fully satisfies the requirement of the claims 6 and 7.

Regarding claims 11-13, 15, 19 and 21, it recites similar limitation as claims 2 and 4, are similarly analyzed.

Regarding claims 16-17 and 23-24, it recites similar limitation as claims 6 and 7, are similarly analyzed.

Conclusion

5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

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however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Contact Information

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Seyed Azarian whose telephone number is (571) 272-7443. The examiner can normally be reached on Monday through Thursday from 6:00 a.m. to 7:30 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bhavesh Mehta, can be reached at (571) 272-7453. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application information Retrieval (PAIR) system. Status information for published application may be obtained from either Private PAIR or Public PAIR.

Status information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Seyed Azarian

Patent Examiner

Group Art Unit 2625

July 28,2005



DANIEL MIRIAM
PRIMARY EXAMINER

A handwritten signature of "DANIEL MIRIAM" is written over a stylized, wavy line. Below the signature, the words "PRIMARY EXAMINER" are printed in a smaller, bold, sans-serif font.